

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Joshua Lee Porter
Brandi Kay Porter
Debtor(s)

Bankruptcy Case No.: 16-10512-TPA
Per December 6, 2016 Proceeding
Chapter: 13
Docket No.: 27 – 10, 20
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated June 17, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$784.00 as of November, 2016. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: PNC Bank (Claim No. 4) .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: December 8, 2016

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Joshua Lee Porter
 Brandi Kay Porter
 Debtors

Case No. 16-10512-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: vson
 Form ID: 149

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 Total Noticed: 28

Date Rcvd: Dec 08, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 10, 2016.

db/jdb
 14247387 +Joshua Lee Porter, Brandi Kay Porter, 314 Front Street, Franklin, PA 16323-2960
 14236053 +Adagio Health Dietary Administered Site, PO Box 73088, Cleveland, OH 44193-0002
 14236048 +Bureau Of Account Management, 2607 Rosemont Avenue, Suite 502, Camp Hill, PA 17011
 14236049 +Citibank / The Home Depot, Centralized Bankruptcy, Po Box 790040,
 Saint Louis, MO 63179-0040
 14247388 +Cleveland Clinic, PO Box 89410, Cleveland, OH 44101-6410
 14247389 +Convergent Healthcare Recoveries Inc, 121 NE Jefferson Street, Suite 100,
 Peoria, IL 61602-1229
 14247391 +Hartle Dental LLC, Dr. Ryan T Hartle DMD, 415 13th Street, Franklin, PA 16323-1310
 14236053 +Lehrian & Palo Oral Surgery, 100 State Street, Suite B102, Erie, PA 16507-1462
 14274678 +MIDLAND FUNDING LLC, PO Box 2011, Warren, MI 48090-2011
 14290793 +PNC BANK N.A., P.O. BOX 94982, CLEVELAND, OH 44101-4982
 14236054 +PNC Bank Credit Card, Po Box 5570, Mailstop BR- YB58-01-5, Cleveland, OH 44101-0570
 14307307 +PNC Mortgage, 3232 Newmark Drive, Miamisburh, OH 45342-5433
 14236055 +Pnc Mortgage, Po Box 8703, Dayton, OH 45401-8703
 14236057 #+Seneca Medical Center, 181 Park Ave, Franklin, PA 16323-2663
 14247392 +UPMC Health Services, PO Box 371472, Pittsburgh, PA 15250-7472
 14247394 +UPMC Physician Services, PO Box 382046, Pittsburgh, PA 15250-0001
 14247395 Upp - University of Pittsburgh Physician, Quantum One, 2nd Floor, Suite 257,
 Pittsburgh, PA 15203
 14247396 +Venango Diagnostic Imaging DBA Advanced, PO Box 6138, Hermitage, PA 16148-0922

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 cr E-mail/PDF: rmscedi@recoverycorp.com Dec 09 2016 01:54:05

Recovery Management Systems Corporation, 25 S.E. Second Avenue, Suite 1120,
 Miami, FL 33131-1605
 14246999 E-mail/Text: ally@ebn.phinsolutions.com Dec 09 2016 01:59:01 Ally Bank, PO Box 130424,
 Roseville MN 55113-0004
 14236047 +E-mail/Text: ally@ebn.phinsolutions.com Dec 09 2016 01:59:01 Ally Financial,
 Po Box 380901, Bloomington, MN 55438-0901
 14247390 +E-mail/Text: hariasdiaz@creditmanagementcompany.com Dec 09 2016 01:59:48
 Credit Management Company, 2121 Noblestown Road, Pittsburgh, PA 15205-3956
 14236051 +E-mail/Text: slucas@for-cu.com Dec 09 2016 01:59:41 Franklin Oil Region Credit Union,
 101 North 13th Street, Franklin, PA 16323-2343
 14236052 +E-mail/Text: bankruptcy@icsystem.com Dec 09 2016 01:59:51 IC Systems, Inc,
 444 Highway 96 East, Po Box 64378, St Paul, MN 55164-0378
 14240619 E-mail/PDF: rmscedi@recoverycorp.com Dec 09 2016 01:53:36
 Recovery Management Systems Corporation, 25 S.E. 2nd Avenue, Suite 1120,
 Miami, FL 33131-1605
 14236056 +E-mail/Text: bk@revenuegroup.com Dec 09 2016 01:59:56 Revenue Group, Po Box 221278,
 Beachwood, OH 44122-0996
 14236058 +E-mail/PDF: gecsed@recoverycorp.com Dec 09 2016 01:53:33 Synchrony Bank / Walmart,
 Attn: Bankruptcy, Po Box 103104, Roswell, GA 30076-9104
 14247393 +E-mail/Text: BankruptcyNotice@upmc.edu Dec 09 2016 01:59:56 UPMC Northwest,
 2 Hot Metal Street, Quantum One Building, 3rd Floor, Pittsburgh, PA 15203-2348
 TOTAL: 10

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr PNC Bank, National Association
 14236050 ##+Era Med LLC, 1 Earhart Drive, Suite 11, Coatesville, PA 19320-2771

TOTALS: 1, * 0, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
 While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

District/off: 0315-1

User: vson
Form ID: 149

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Total Noticed: 28

Date Rcvd: Dec 08, 2016

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 10, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 8, 2016 at the address(es) listed below:

Daniel P. Foster on behalf of Debtor Joshua Lee Porter dan@mrdebtbuster.com,
clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com
Daniel P. Foster on behalf of Joint Debtor Brandi Kay Porter dan@mrdebtbuster.com,
clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com
Joshua I. Goldman on behalf of Creditor PNC Bank, National Association bkgroup@kmlawgroup.com
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5